THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.23703, 23704, 23706, 23707 and 23709 of 2007

Between:

Thotti Madhusudhan Reddy.

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PETITIONER

and

The District Collector, Visakhapatnam and others.

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RESPONDENTS

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COMMON ORDER:

It is the case of the petitioners that they purchased various extents of lands in various survey numbers situated at Vedurwada Village, Atchutapuram Taluq, Visakhapatnam District, through registered Sale Deeds from their vendors. The said lands are patta lands but not assigned lands and there was no violation in transferring the said lands in favour of the petitioners. While so, the respondents are taking steps to dispossess the petitioners from the lands in question without following due process of law.

I am not inclined to express any opinion as to whether the lands in question are assigned lands or patta lands. Even, if the said lands are assigned lands and even if there is any violation of sub-section (1) or sub-section (2) of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), it is always open for the respondents to take appropriate action against the petitioners in accordance with the provisions of the Act. Even, if the lands in question are Government lands, it is always open for the respondents to take appropriate action under the A.P.Land Encroachment Act, 1905. But, without following due process of law, the petitioners cannot be dispossessed from the lands in question.

Having regard to the facts and circumstances of the case, the writ petitions are disposed of directing the respondents not to dispossess the petitioners from the lands in question, if they are in possession, without following due process of law. There shall be no order as to costs.

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07-11-2007

Prv